

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MATHEW S. GOAD,

Defendant.

4:19-CR-3053

MEMORANDUM AND ORDER

This matter is before the Court on the Magistrate Judge's Findings, and Recommendation ([filing 43](#)) recommending that the Court deny the defendant's motion to suppress ([filing 28](#)) as to the Fourth Amendment search and seizure and Sixth Amendment issues.<sup>1</sup> The defendant has not objected to the Magistrate Judge's recommendation.

[Title 28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review of a Magistrate Judge's findings or recommendations only when a party objects to them. *Peretz v. United States*, 501 U.S. 923 (1991). Failure to object to a finding of fact in a Magistrate Judge's recommendation may be construed as a waiver of the right to object from the district court's order adopting the recommendation of the finding of fact. [NECrimR 59.2\(e\)](#). The defendant was expressly advised that "failing to file an objection to this recommendation as provided in the local rules of this court may be held to be a waiver of any right to appeal the court's adoption of the recommendation." [Filing 43 at 11](#). And the failure to file an objection eliminates not only the need for de novo review, but any review by the Court. *Thomas v. Arn*, 474 U.S. 140 (1985);

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<sup>1</sup> The defendant's Fifth Amendment issues have been reserved for hearing. See [filing 42](#).

*Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609 (8th Cir. 2009); *see also* *United States v. Meyer*, 439 F.3d 855, 858-59 (8th Cir. 2006).

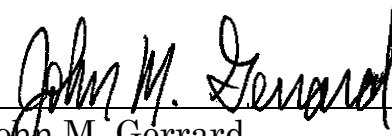
Accordingly, the Court will adopt the Magistrate Judge's recommendation that the defendant's motion to suppress be denied as to the Fourth Amendment and Sixth Amendment issues, and any objection is deemed waived.

IT IS ORDERED:

1. The Magistrate Judge's findings and recommendation ([filing 43](#)) are adopted.
2. The defendant's motion to suppress ([filing 28](#)) is denied in part as set forth above.

Dated this 26th day of August, 2019.

BY THE COURT:

  
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John M. Gerrard  
Chief United States District Judge